

REMARKS

I. General Remarks and Disposition of the Claims

Please consider the application in view of the following remarks. Applicants thank the Examiner for his careful consideration of this application.

Claims 1-12 and 25-32 are pending in this application. Claims 1-12 and 25-32 are subject to an election requirement. Claims 1-12 and 25-32 have been amended herein. These amendments are supported by the specification as filed. All the amendments are made in a good faith effort to advance the prosecution on the merits of this case. It should not be assumed that the amendments made herein were made for reasons related to patentability. Applicants respectfully request that the above amendments be entered and further request reconsideration in light of the amendments and remarks contained herein.

II. Response to Election Requirement

In the present Office Action, the Examiner has required a species elections under 35 U.S.C. § 121. With respect to these species election requirements, the Office Action states:

This application contains claims directed to the following patentably distinct species: The applicant must elect a single species from the following group:

Species Group D (activators)

cuprous iodide, cuprous chloride, an antimony compound, an antimony oxide, an antimony halide, antimony tartrate, antimony citrate, an alkali metal salt of antimony tartrate, an alkalai metal salt of antimony citrate, an alkali metal salt of pyroantimonate, an antimony adduct of ethylene glycol, a bismuth compound, a bismuth oxide, a bismuth halide, bismuth tartrate, bismuth citrate, an alkali metal salt of bismuth tartrate, an alkali metal salt of bismuth citrate, iodine, an iodide compound, formic acid, combination of more than one activator selected from the above group (applicant is required to specify which activators)

The species are independent or distinct because they are directed to various different activators having different chemical formulas. It would be a serious burden on the Examiner to conduct a search for each and every claimed specie in group D.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims

shall be restricted if no generic claim is finally held to be allowable. Currently claim 26 is generic.

(Office Action at 2–4.)

Applicants hereby elect, for prosecution on the merits: Species Group D, cuprous iodide. In accordance with this election requirement, Applicants identify claims 1–12 and 25–32 as readable on the elected species from Species Group D. Applicants reserve their right to pursue additional species should a generic claim be allowed, or in a divisional or other continuing application.

IV. No Waiver

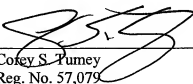
All of Applicants' arguments and amendments are without prejudice or disclaimer. By not responding to statements made by the Examiner, Applicants do not acquiesce to the Examiner's statements.

SUMMARY

In light of the above remarks, Applicants submit that the application is now in condition for allowance, and earnestly solicit timely notice of the same. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

Applicants believe that there are no fees due in association with the filing of this Response. However, should the Commissioner deem that any fees are due, including any fees for extensions of time, Applicants respectfully request that the Commissioner accept this as a petition therefor, and direct that any additional fees be charged to the Deposit Account of Baker Botts L.L.P. (No. 02-0383, Order Number 063718.1313).

Respectfully submitted,



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